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In re Application of: UKAWA, Yusel	:	
U.S. Application No.: 10/538,280	:	DECISION ON RENEWED
PCT No.: PCT/IB2003/005948	:	PETITION
International Filing Date: 11 December 2003	:	(37 CFR 1.181)
Priority Date: 17 December 2002	:	
Atty Docket No.: JP02 0024 US	:	
For: COLOR FILTER AND LIQUID	:	
CRYSTAL DISPLAY DEVICE,	:	
USING IT, AND THEIR	:	
MANUFACTURING METHODS	:	

This decision is issued in response to the "Renewed Petition Under 37 CFR 1.181" filed 05 May 2008. No petition fee is required.

BACKGROUND

As discussed in the decision mailed herein on 03 December 2007, petitioner asserts that on 10 June 2005, national stage entry papers for two separate international applications were filed using the same envelope, and that the materials for both of these submissions were scanned into the present application file. More specifically, petitioner asserts that the 10 June 2005 submission included the materials to initiate the present national stage on international application PCT/IB2003/005948 (subsequently abandoned), as well as the materials to initiate the U.S. national stage for international application PCT/IB2003/005955.

As also noted in the previous decision, a 14 March 2007 submission by petitioner regarding the status of the second national stage application resulted in a separate U.S. application file, 11/667,364, being established by the USPTO as the U.S. national stage for PCT/IB2003/005955. At the time the second national stage application file was initiated, Deposit Account No. 14-1270 was charged the basic national fee, search fee, and examination fee required for the second national stage application (such fees remain in application file 11/667,364). However, no further processing of U.S. application 11/667,364 has taken place.

On 05 May 2008, applicant filed the present "Renewed Petition Under 37 CFR 1.181." The petition is accompanied by a copy of the materials filed on 10 June 2005 with respect to the national stage of PCT/IB2003/005955, accompanied by a return postcard itemizing these materials and bearing a USPTO receipt stamp dated 10 June 2005.

DISCUSSION

Based on the statements in the present petition and the stamped return postcard, it is concluded that the papers accompanying the present petition were originally filed in the USPTO on 10 June 2005 (specifically, the Form PTO-1390 Transmittal Letter, the preliminary amendment, the two-page declaration, the assignment recordation sheet, the assignment, the two-page IDS Transmittal, and the 3.73(b) statement). However, as noted by applicant in the present petition, the Form PTO-1390 Transmittal Letter included with such materials identified the international application number for such national stage materials as PCT/IB03/05948 (the international application for the present national stage application), rather than PCT/IB03/05955, the second international application for which applicant was attempting to enter the U.S. national stage. The present petition asserts that "the rest of the documents identified the correct PCT Application No.," however, a review of such papers reveals that the intended international application number, PCT/IB03/05955, does not appear on any of the papers filed 10 June 2005. The fact that only one international application number (PCT/IB03/05948) was present on the materials filed by applicant on 10 June 2005 explains why all such materials were placed in the present file, the U.S. national stage of PCT/IB03/05948, rather than used to establish a second national stage application for unlisted international application number PCT/IB03/05955.

Under the present circumstances, even though it is concluded that the materials accompanying the present petition were filed on 10 June 2005, such materials, which do not contain an explicit reference to international application number PCT/IB03/05955, cannot be treated as having been filed with respect to international application PCT/IB03/05955 on such date. Petitioner therefore did not file national stage materials expressly directed to international application PCT/IB03/05955 prior to the expiration of thirty months from the priority date of such international application (i.e., 17 June 2005). Accordingly, international application PCT/IB03/05955 is abandoned with respect to the United States (see 37 CFR 1.495(h)).

CONCLUSION

The petition under 37 CFR 1.181 to confirm that the materials accompanying the present petition were originally filed in the USPTO on 10 June 2005 is **GRANTED**.

Copies of the materials accompanying the present petition will be placed in application file 11/667,364, which was previously initiated as the U.S. national stage of PCT/IB03/05955, and such materials will be treated as having been filed therein 10 June 2005.

However, as discussed above, international application PCT/IB03/05955 is considered abandoned based on applicant's failure to set forth in the materials filed 10 June 2005 the correct international application number, that is, PCT/IB03/05955.

A copy of this decision will be placed in application file 11/667,364, and any further correspondence regarding the U.S. national stage of PCT/IB03/05955, including any petition to revive such application, should be directed to U.S. application file 11/667,364.

No further correspondence with respect to this matter should be directed to the present application file, 10/538, 280, which is an abandoned application.

U.S. application number 11/667,364 will be referred to the National Stage Processing Branch of the Office of PCT Operations for the mailing of a Notification Of Abandonment (Form PCT/DO/EO/909) confirming that such application is abandoned for failure to file a properly identified request for entry into the U.S. national stage prior to the expiration of the thirty-month deadline.

A handwritten signature in black ink, appearing to read 'r m ross', written in a cursive style.

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